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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 MANUEL DE JESUS ROBLES-OJEDA,  
12  
13 vs. Petitioner,  
14 UNITED STATES OF AMERICA,  
15 Respondent.

CASE NO. 11-CV-1599-H  
10-CR-0384-H

**ORDER DENYING MOTION  
FOR A CERTIFICATE OF  
APPEALABILITY**

16 On June 7, 2010, this Court sentenced Petitioner Manuel de Jesus Robles-Ojeda  
17 (“Petitioner” or “Defendant”) to 46 months of custody for attempted entry after deportation  
18 in violation of 8 U.S.C. § 1326. (Doc. No. 19.) On July 19, 2011, Petitioner filed a motion  
19 to vacate his sentence pursuant to 28 U.S.C. § 2255. (Doc. No. 20.) On November 9, 2011,  
20 the Court denied Petitioner’s claim for relief under 28 U.S.C. § 2255. (Doc. No. 30.) On  
21 December 5, 2011, Petitioner filed a notice of appeal (Doc. No. 31) along with a motion for  
22 certificate of appealability. (Doc. No. 32.)

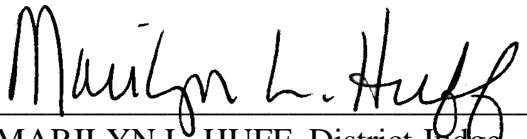
23 Under AEDPA, a state prisoner seeking to appeal a district court's denial of a habeas  
24 petition must obtain a certificate of appealability (“COA”) from the district judge or a circuit  
25 judge. 28 U.S.C. § 2253(c)(1)(A). A COA may issue only if the applicant has made “a  
26 substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A  
27 petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the  
28 district court's resolution of his constitutional claims or that jurists could conclude the issues

1 presented are adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell,  
2 537 U.S. 322, 327 (2003).

3 Here, Petitioner pleaded guilty pursuant to a written plea agreement to an Indictment  
4 charging Petitioner with one count of attempted entry after deportation in violation of 8 U.S.C.  
5 § 1326 (a) and (b), and was sentenced to 46 months of custody. The court has reviewed the  
6 claims in the habeas petition and assessed their merits, and concluded that the petition should  
7 be denied. (Doc. No. 30.) Petitioner has failed to make a “substantial showing of the denial  
8 of a constitutional right.” 28 U.S.C. § 2253(c)(2). Accordingly, the Court denies Petitioner’s  
9 request for a certificate of appealability.

10 **IT IS SO ORDERED.**

11 DATED: December 9, 2011

  
MARILYN L. HUFF, District Judge  
UNITED STATES DISTRICT COURT

14 COPIES TO:

15 Manuel de Jesus Robles-Ojeda  
16 Register No. 18303-298  
17 FCI Schuylkill,  
18 Federal Correctional Institution  
P.O. Box 759  
Minersville, PA 17954

19 Office of the U.S. Attorney  
20 880 Front Street, Room 6293  
San Diego, CA 92101